

**Forest Practice Committee (FPC)**

*The mission of the FPC is to evaluate and promote an effective regulatory system to assure the continuous growing and harvesting of commercial forests and to protect soil, air, fish and wildland, and water resources.*

**COMPLETED OR SUBSTANTIALLY COMPLETED IN 2014**

1. **Regulatory amendments to 14 CCR §§ 895.1, 929.1 & 1052- Native American Notification for Emergency Notice of Timber Operations**
2. **Emergency Regulation for Water Drafting amending 14 CCR § 916.2**
3. **Regulatory amendments to 14 CCR §§ 957 & 917.2(a) [937.2(a), 957.2(a)] – Timely treatment of slash associated with Timber Operations under Plans and Fire Safe Exemptions:**

**PRIORITY 1:**

1. **14 CCR § 916.8 [936.8, 956.8] – Sensitive Watersheds**

**Objective/Status:** *The Department has requested that the Board evaluate this existing regulation to determine if a need is still present for these provisions to be included in the Forest Practice Rules. The FPC began assessing the issue in 2014 and will continue work into 2015.*

2. **Development of a Board Policy that pertains Oak Woodland Management**

**Objective/Status:** *During 2014 the FPC allotted portions of several committee meetings to the development of a Draft Oak Woodland Policy for Full Board consideration. During Board deliberation on the matter it was discovered that Cal Fire had concerns in relation to language contained within the Draft Policy in relation to Maximum Sustained Production and mandatory stocking with Group A species. The issue was remanded back to FPC for continued investigation into the potential to revise the existing Draft Policy or to support finding in the Draft Policy with potential regulatory revisions. The matter will be further discussed in 2015.*

3. **14 CCR § 1038 - Fire Hazard Reduction for Habitable Structures –**

**Objective/Status:** *During the 2013/2014 Legislative Season, Assemblyman Dahle introduced AB 1867. This bill was eventually adopted by the Administration and amended PRC § 4584. AB 1867 mandates that the Board shall adopt regulations that will become enforceable by January 1, 2016 that will allow owners of habitable structures to treated forested stands through the exemption process that are 150 – 300 feet from any point from a habitable structure. Existing regulation in 14 CCR 1038(c) will allow landowners to treat stands that are located within 150 feet of a habitable structure through the exemption process, but this legislative mandate provides the Board with the authority to expand currently available regulatory standards with the goal of increasing fire resiliency within forested landscapes that are in close proximity to habitable*

structures. The Forest Practice Committee will begin working upon this project in early 2015.

**4. Consistency of NSO rules with USFWS guidance and Definition of Activity Center**

**Objective/Status:** FPC recommended publication of a 45-day Notice of Rulemaking for the “Activity Center Definition” rule proposal in 2013. The Board subsequently authorized publication of 45-day Notice, but has postponed publication of the Notice in anticipation of in anticipation the Fish and Game Commission will adopt findings in regards to the pending NSO listing candidacy in December 2015.

The FPC will continue review of NSO rule consistency issues in 2015 once the Fish and Game Commission has adopted finding in regards to the pending candidacy of NSO.

**5. Regulatory amendments for permanent T/I rules: Cumulative Effects (14 CCR § 916.9 (d)).**

**Objective:** Review of current status of cumulative effects process including a review of Technical Rule Addendum No. 2. Additionally, the FPC will be tracking and requesting updates from the Resources Agency on the progress of AB1492 Working Groups on the issue of Cumulative Effects. The FPC will also be requesting guidance on how to support and further participate in the development of a contemporary cumulative effects analysis. The following are targets of the AB 1492 Working Groups that the FPC will be tracking:

- Working Group Charters Completed (End of January 2015)
- Working Group Work Plans Completed (End of January 2015)
- Background paper on approaches to ecological performance measures completed (First Quarter 2015)
- Public Scoping Workshop on Ecological Performance Measures (First Quarter 2015)
- Public Workshop on First Draft of Ecological Performance Measures (Early 2016)
- Public Workshop on Second Draft of Ecological Performance Measures and Proposed Implementation Plan and Adaptive Management Approach (June 2016)
- Completed Ecological Performance Measures, Implementation Plan, and Adaptive Management Approach (July 2016)
- Complete planning watershed pilot project (end of 2016 or (preferably) earlier)

**Status:** FPC will continue addressing the revisions to Technical Rule Addendum #2 during 2015 and tracking the AB1492 Working Groups through 2016.

**6. 14 CCR § 1035.1, 1035.2, 1035.3, 1035.4. LTO's have reported that they have been cited by state regulatory agencies with responsibility and liability for violations, errors, or other wrongful actions taken to comply with a Timber Harvest Plan or other timber management document, where the LTO was following the direction of a Registered Professional Forester (RPF) in taking the action.**

**Objective:** This issue was introduced to the FPC in June of 2014. The issue was remanded to the Professional Foresters Examining Committee (PFEC) for further investigation, with the direction to the PFEC to report back to the FPC with potential findings or options for solutions to the issue. The FPC expects a report back on this matter from the PFEC in the first half of 2015.

7. **14 CCR §§ 1020 -1030. In December of 2012 a number of LTOs were informed that their licenses were unable to be renewed and issued in accord with renewal deadlines, because of "delays in the State Printer's office in getting notices out to LTOS." Though LTOs must postmark their renewal applications by December 1 of the year in which their license expires (per Forest Practice Rule 1026(b)), many LTOs could not do so as they had not received renewal notices.**

**Objective:** It was reported to the FPC by Associated California Loggers (ACL) in November of 2014 that the experienced issues with the license renewal process for LTOs has been substantially addressed. The license renewal process for LTOs is currently underway for 2015. The FPC will be requesting a report from ACL and the Cal Fire on the continued progress in remediating this issue in early 2015.

8. **Regulatory amendments to 14 CCR 895.1 – “Crop of Trees, Available for, and Capable of”**

**Objective/Status:** The Department has made the request to address the definition of “crop of trees” to aid the Department in identification of timberland. No progress to date.

**Status:** This is a recent submittal by the Department and the FPC intends on addressing this issue in 2014.

## **PRIORITY 2:**

9. **Regulatory amendments for permanent T/I rules: Monitoring. (14 CCR 916.11)**

**Objective/Status:** FPC to begin work following completion of T/I road rules. To be delegated for initial review to Effectiveness Monitoring Committee.

10. **Stocking levels - Existing Stocking Standards may be too high to achieve landowner goals within some forest types.**

**Objective/Status:** The request has been made to investigate the current stocking standards as they relate to various regeneration methods and fuel hazard reduction within certain forest types. AB 2082 was chaptered by the Administration in 2014, which provides additional support for the FPC to address this issue in the near future through assessing the require point count requirements. Additionally, Board staff is currently working with legislative representatives to obtain Board authority to address potential problems associated with stocking through basal area/acre pursuant to PRC 4561 (b).

## **PRIORITY 3:**

11. **14 CCR § 913.4(d) - Variable Retention silvicultural prescription**

**Objective/Status:** The current regulations as they apply to Variable Retention do not specify reentry period for leave areas. Minimum age of application is the same as even age regeneration? No progress to date.

**12. 14 CCR § 1054.8 – Order of the Board**

**Objective/Status:** The Department has requested that the Board consider amending this rule section for purposes of obtaining consistency with PRC § 4582.7(d) and 14 CCR § 1037.6. Additionally, the Department has requested that the Board take into consideration the lack of consistency between PRC § 4582.7(d) and 14 CCR § 1037.6 with current CEQA Guidelines and case law as they pertain to re-circulation of a Plan with substantial new information. No progress to date.

**13. Department disallows use of the Transition silviculture method when applied to stands which have been previously harvested utilizing the Selection method.**

**Objective/Status:** Does not conform with 14CCR § 913.2(b) or (b)(2). Past harvest history should not be a condition of the application of any silvicultural prescription. THP was returned on this issue without being evaluated through PHI to support the determination. No progress to date.

**14. Should mechanical feller-bunchers be classified as "heavy equipment" in WLPZs?**

**Objective/Status:** No progress to date.

**15. 14 CCR § 914 [934, 954] - Tractors shall not be used in areas designated for cable yarding except to pull trees away from streams.....Such exception (s) shall be explained and justified...Suggest replacing language to allow usage subject to the limitations of 14 CCR § 914 [934, 954].2 (f)- prohibitions on steep slopes.**

**Objective/Status:** No progress to date.

**16. 14 CCR § 916.9(s) [936.9(s), 956.9(s)] [in part], No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under exemption notices except for...**

**Objective/Status:** Should be considered in the context of 14 CCR § 1104.1(a)(2)(F), which allows conversion activities in the WLPZ where specifically approved by local permit. Defer to the county in these situations? Restriction of timber operations in the WLPZ affects timber operations conducted in compliance with defensible space regulations. There appears to be a conflict between this subdivision and PRC § 4291 and 14 CCR § 1299. No progress to date.

**Issues related to THP form and content**

**17. Restating FPRs in THPs: Consider allowing the statement of compliance with specific rule section (s) by number, rather than using language out of the FPRs. New THP form under development, will be addressed.**

*Objective/Status: No progress to date.*

**18. CCR § 1034, Contents of Plan**

*Objective/Status:*

- a. *(r) How the requirements of 14 CCR 1032.7(f) are to be met. The reference to 1032.7(f) is obsolete, since it refers to the past requirement that the RPF distribute and publish a copy of the NOI. No progress to date.*
- b. *(x)(7), [On a plan map, show the location of all watercourse crossings of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations at that crossing. (See above).*
- c. *Board should consider amending 14 CCR § 1034 when it adopts or amends any rule that adds elements considered a required portion of a harvesting plan. This ensures a central location where the RPF could be assured of finding what is considered essential information in a harvesting document. Board may want to consider a rule package that consolidates all required plan contents under 14 CCR §§ 1034, 1051, 1090.5, and 1092.09. No progress to date.*

**19. 14 CCR § 1032.7(d) and (D09 #15)14 CCR § 1092.04(d) [in part], A Notice of Intent [NOI] shall include the following information: (4) the acres proposed to be harvested. (5) The regeneration methods and intermediate treatments to be used.**

*Objective/Status:*

- a. *(4) Board should amend this paragraph to include all acres where timber operations will occur, not just the area where timber will be harvested. In doing so, the Board should consider the current definition of logging area and the lack of a definition of plan area.*
- b. *(5) Requires stating the regeneration methods and intermediate treatments to be used. This paragraph may not capture all possible treatments that may occur, e.g., special prescriptions and other types of associated timber harvesting, such as road right-of-way or timberland conversion.*
- c. *Item was initially addressed by Management Committee in 2010 in form of rule proposal to amend NTMP NTO requirements. Item was remanded back to Management Committee following publication of 45-day Notice of Rulemaking in December 2010 and initial hearing in February 2011. Management Committee was directed to review necessity of proposal and consider its combination with THP NOI amendments. Management Committee last discussed item at March 2011 meeting and deferred further action until Department could provide additional information related to necessity.*

**20. Regulatory amendments to 14 CCR § 1032.10 - Notice of Timber Operations.** The THP submitter shall provide notice by letter to all other landowners within 1,000 feet downstream of the THP boundary whose ownership adjoins or includes a Class I, II, or IV watercourse(s) which receives surface drainage from the proposed timber operations. The notice shall ....

**Objective/Status:** The Department has requested the following items be potentially addressed in regards to Notice of Timber Operations. No progress to date.

- a. *Overland flow or channel flow?*
- b. *Publication may need to be given in a newspaper of general circulation. CAL FIRE assumes this requires notification as defined in Government Code §§ 6000-6027.*
- c. *A tie should be made with the requirement to provide protection to domestic water supplies, as required per 14 CCR § 916.10 [936.10, 956.10].*
- d. *Require more current notification in which the post-marked date is no more than one year prior to submittal of the plan.*
- e. *Does a plan have to be returned where the RPF requests an exemption from one of the noticing requirements and CAL FIRE does not accept the request. The rule requires at least ten days passing after notification before submission of the plan.*
- f. *The 4<sup>th</sup> sentence should be changed to use the proper verb, "affect," in place of "effect."*